

REPORT TO THE COMMITTEE ON PUBLIC SERVICES AND SAFETY
HAZARDOUS WASTE TREATMENT CONDITIONAL USE PERMITS - ITEM NO. 9,
DOCKET OF OCTOBER 21, 1987

At your request of the Committee, my staff has reviewed the draft ordinance dealing with conditional use permits for new research, development and demonstration hazardous waste facilities. It was originally submitted by David L. Mulliken of the Latham & Watkins law firm.

The draft has been revised to provide for the expedited processing of permits except in cases where an environmental assessment has not been completed. In cases where The City of San Diego is the lead agency, an environmental assessment is required by the California Environmental Quality Act and the expedited process cannot be utilized until that assessment has been completed. If The City of San Diego is the responsible agency, the environmental assessment will have been completed by the lead agency and the City could utilize the expedited process.

The draft ordinance requires that a noticed public hearing be held by the Planning Commission within 60 days of the filing of the application and that the City Council render a decision no later than 60 days following the decision by the Planning Commission. These time frames appear to be reasonable since in those cases where the City is a responsible agency, the lead agency will have prepared the environmental assessment and conducted its own hearings in which the public and the City could have or did participate. In cases where the City is the lead agency, it will have prepared the environmental assessment which will probably have taken up to six months before the hearing on the application.

Whether the 60-day provisions represent an expedited process is a matter of policy. Comparing it with the time frame for action on a commercial project under the Permit Streamlining Act (California Government Code Section 65952), which requires action in six months, the process would seem to be expeditious.

Attached to the report is a copy of the draft ordinance which is submitted for your consideration.

Respectfully submitted,
JOHN W. WITT
City Attorney

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Attachment

RC-87-42